IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2032 OF 2004

Sudhir Maganlal Anuwadia ... Applicant

versus

Vithalbhai Karsanbhai Patel

@ Sakharia and another ... Respondents

...

Mr.S.V. Marwadi, for the Applicant.

Mr.V.B. Konde Deshmukh, A.P.P., for the Respondent State.

Mr.Prakash Naik, for the Respondent No.1.

...

CORAM : A.M.KHANWILKAR,J.

26th April 2005

P.C.:

. Heard Counsel for the parties. This application takes exception to the order of bail granted by the lower Court as back as on 27th April 2004. At this distance of time, without going into the merits of the contentions, I am

not inclined to interfere with the said order as no grievance has been made that the Respondent Accused has jumped any of the conditions of bail. Besides, now investigation is complete and the learned A.P.P. on instructions states that the charge sheet will be filed in about 10 days' time from now. That assurance is accepted. Even for this reason, it is not necessary to interfere with the order of bail.

. However, it is made clear that the trial Court shall decide the case on its own merits in accordance with law uninfluenced by any of the observations made in the impugned order, or for that matter, by the disposal of this petition.

. The Respondent accused shall co-operate for early disposal of the trial. That will be a condition for grant of bail. In the event the trial Court is of the opinion that the Respondent accused is in any manner responsible for causing delay in disposal of the trial, that opinion be recorded in the roznama, which can be a ground for cancellation of bail.

. Application disposed of accordingly.

. Needless to observe that as and when any communication is sent by the Applicant to the investigating officer, that will be suitably replied at the earliest.

(A.M.KHANWILKAR,J.)